

2011 Bills Tracking

Monday, March 18, 2011

Source: "Monday Memo from Raising Special Kids- News for the Week of March 21-27, 2011"

Budget News: Last week, the Senate approved a package of budget bills. The bills do not achieve agreement between the Senate and House or the Governor. Cuts proposed in the Senate version of the budget are well beyond the recommendations in the Governor's proposed budget, with an additional \$235 million in cuts to K-12 education; \$65 million in cuts to Universities; nearly \$50 million in cuts to DES primarily for child care subsidy, and \$20 million in cuts to DHS. The cuts are clearly targeted at reducing services for children.

The Senate plan includes significant reduction of eligibility in AHCCCS, and also includes a monthly premium, in addition to copayments, for participants in AHCCCS, ALTCS and Kidscare. The budget reduces the lifetime limit for TANF benefits to 18 from 36 months, and eliminates the state subsidy for child care.

AHCCCS Reform: Follow the link for details of the Governor's recently released [Medicaid reform plan](#):

- Eliminates new enrollment of childless adults, a reduction of about 1000,000 over a 12 month period
- Reduces provider rates by 5%
- Proposes copayments, institutes a "no-show" fee for missed appointments and eliminates non-emergency transportation
- Eliminates state reimbursement for emergency care for non-qualified aliens
- **Watch List Item:** The Governor's proposed Medicaid Reform Plan also proposes **reducing respite services** for caregivers of persons with developmental disabilities

The Governor's plan does not include the special healthcare assessment being proposed by the hospitals and health plans.

SB 1190 (DDD; ICFMRS) passed the House Health and Human Services Committee last week, along with an amendment that allows DDD to increase the amount of benefits a client may retain from 12% to 30% for a six month period upon the demonstration of need. The amendment will be removed if it is determined to have a fiscal note (adverse budgetary impact).

HB 2213 (changes references to mental retardation to references to an intellectual disability) [will be heard](#) in Senate Public Safety and Human Services Committee.

Senate Bills 1591 and 1593 - exclude treatment of autism

The Arizona Senate recently passed legislation which would remove protections for autism treatment in health insurance coverage (Steven's Law). Senate Bills 1591 and 1593 are moving toward consideration in the [Arizona House of Representatives](#). This legislation would allow corporations to purchase health insurance over state lines and avoid requirements adopted in Arizona to protect consumers. If approved, corporations would be able to purchase health insurance in other states that **permit exclusions of autism treatment coverage**. To contact your legislator go to www.azleg.gov and see link to "Find my Legislator". Enter your address to find your legislative district and Congressional district.

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SENATE BILLS

S1001 AHCCCS; TRANSPLANT SERVICES

The list of services specifically excluded to AHCCCS patients is changed to remove those involving only the pancreas, the pancreas after kidney transplants, lung transplants, hemopoetic cell allogenic unrelated transplants, heart transplants for non-ischemic cardiomyopathy, and liver transplants for a diagnosis of hepatitis C. Effect is to allow these procedures for AHCCCS clients. Appropriates \$1.2 million from the General Fund and \$3.1 million in federal funds to pay for the expanded AHCCCS transplant services. [Capitol Reports note: these transplant services were excluded from AHCCCS coverage by Laws 2010, 7th Special Session, Chapter 10.] Emergency clause.

ARS Titles Affected: 36

First sponsor: Sen. Schapira

NOTE: Measure was originally sponsored by the member(s) shown here. If it has been changed by amendment the sponsor(s) may or may not still support the measure.

S1056 CHILD ABUSE REGISTRY; BACKGROUND CHECKS

Only the information contained in the Dept of Economic Security's central registry of reports of child abuse and neglect may be used to conduct background checks on persons employed by or applying for employment with the state, its contractors or subcontractors for positions that provide direct service to children or vulnerable adults. No other department files or records may be consulted for this purpose.

ARS Titles Affected: 8

First sponsor: Sen. L. Gray

NOTE: Measure was originally sponsored by the member(s) shown here. If it has been changed by amendment the sponsor(s) may or may not still support the measure.

S1094 MANDATED HEALTH COVERAGE; REPORT

The legislative committee of reference charged with holding at least one hearing and taking public testimony whenever a lawmaker proposes legislation advocating that certain health care coverage be mandated is also charged with examining data from multiple sources and evaluating the effectiveness of the treatment or service proposed.

ARS Titles Affected: 20

First sponsor: Sen. Biggs

NOTE: Measure was originally sponsored by the member(s) shown here. If it has been changed by amendment the sponsor(s) may or may not still support the measure.

S1113 ALTCS; CARE FACILITIES; STANDARDS

Existing licensed facilities operated by the state or under contract with the Dept of Health Services on or before July 1, 1988 are removed from the list of approved intermediate care facilities for developmentally disabled members of the Arizona Long-Term Care System.

ARS Titles Affected: 36

First sponsor: Sen. Biggs

NOTE: Measure was originally sponsored by the member(s) shown here. If it has been changed by amendment the sponsor(s) may or may not still support the measure.

S1189 DEVELOPMENTALLY DISABLED; RESIDENTIAL SETTING

By January 1, 2012, the Dept of Economic Security must begin to transfer to intermediate care facilities all developmentally disabled individuals who are living in skilled nursing facilities and who are or should be receiving specialized services. The transfers must be complete by July 1, 2012.

ARS Titles Affected: 36

First sponsor: Sen. L. Gray Others: Sen. Barto, Sen. Klein, Sen. Murphy

NOTE: Measure was originally sponsored by the member(s) shown here. If it has been changed by amendment the sponsor(s) may or may not still support the measure.

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S1216 AHCCCS; OBSTETRIC SERVICES; COPAYMENT

AHCCCS shall establish a sliding fee schedule for co-payments required of any woman who receives obstetric services. The minimum co-pay is \$150; the maximum is \$1,000.

ARS Titles Affected: 36

First sponsor: Sen. Allen

Others: Rep. Barton, Rep. Crandell

NOTE: Measure was originally sponsored by the member(s) shown here. If it has been changed by amendment the sponsor(s) may or may not still support the measure.

S1190 DEVELOPMENTAL DISABILITIES; INTERMEDIATE CARE FACILITIES

The Dept of Economic Security is required to place developmentally disabled residents from the 4 Phoenix-based intermediate care facilities into existing group homes and private, nonprofit intermediate care facilities. The four state-operated facilities must be closed within three months after the effective date of this legislation. After all clients have been transferred, the department must sell the facilities and deposit the proceeds in the General Fund.

ARS Titles Affected: 36

First sponsor: Sen. L. Gray Others: Sen. Barto, Sen. Klein, Sen. Murphy

NOTE: Measure was originally sponsored by the member(s) shown here. If it has been changed by amendment the sponsor(s) may or may not still support the measure.

S1232 DEVELOPMENTAL DISABILITIES ADVISORY COUNCIL; CONT

Retroactive to July 1, 2011, the statutory life of the Developmental Disabilities Advisory Council is extended 10 years to July 1, 2021. Also, the council is expanded by four by adding: a parent of a child served through the Arizona Early Intervention Program, a member representing an Arizona university center for excellence in developmental disabilities, a second member who is developmentally disabled, and a second member from the designated protection and advocacy organization.

ARS Titles Affected: 36 41

First sponsor: Sen. L. Gray

NOTE: Measure was originally sponsored by the member(s) shown here. If it has been changed by amendment the sponsor(s) may or may not still support the measure.

S1357 AHCCCS; MISSED APPOINTMENTS; PROVIDER REMEDY

If an AHCCCS member misses a scheduled appointment without canceling the appointment, a physician or primary care practitioner may prohibit the member from rescheduling until the member pays a \$25 missed appointment fee.

ARS Titles Affected: 36

First sponsor: Sen. Antenori

Others: Rep. Gowan, Rep. Harper, Rep. Montenegro, Rep. Stevens, Rep. Vogt, Sen. Allen, Sen. Crandall, Sen. Driggs, Sen. Gould, Sen. L. Gray, Sen. Griffin, Sen. Klein, Sen. Melvin, Sen. Nelson, Sen. Reagan, Sen. Shooter, Sen. Smith, Sen. Yarbrough

NOTE: Measure was originally sponsored by the member(s) shown here. If it has been changed by amendment the sponsor(s) may or may not still support the measure.

S1405 IMMIGRATION STATUS; HOSPITAL ADMISSIONS

Before a hospital admits a person for nonemergency care, a hospital admissions officer must confirm that the person is a citizen of the United States or is lawfully present in this country. If the person is not lawfully present, the admissions officer must contact the local federal immigration office. If a hospital provides emergency care to a person not lawfully present in the United States, after successful treatment of the patient, the admissions officer must contact the local federal immigration office. Hospitals complying with this requirement are not subject to civil liability.

ARS Titles Affected: 36

First sponsor: Sen. Smith

Others: Sen. Biggs, Sen. Griffin, Sen. Klein, Sen. Melvin, Sen. Pearce, Sen. Shooter

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NOTE: Measure was originally sponsored by the member(s) shown here. If it has been changed by amendment the sponsor(s) may or may not still support the measure.

S1447 PALLIATIVE CARE; PATIENT INFO

If a patient is diagnosed with a terminal illness or condition, the patient's attending health care practitioner is required to offer to provide the patient with information and counseling regarding palliative care and end-of-life options.

ARS Titles Affected: 32

First sponsor: Sen. Lopez Others: Rep. Farley, Rep. Heinz, Rep. C. Miranda, Sen. Jackson

NOTE: Measure was originally sponsored by the member(s) shown here. If it has been changed by amendment the sponsor(s) may or may not still support the measure.

S1519 AHCCCS; TERMINATION

AHCCCS is repealed effective October 1, 2011. The Dept of Health Services is required to implement by rule a program to provide services to medically indigent individuals, developmentally disabled individuals, and individuals receiving behavioral health services. The rules must provide for a system of reinsurance modeled after the AHCCCS administration, and must require the program to use the private sector to deliver services. A legislative intent section states that the savings realized through terminating AHCCCS shall be distributed as follows: \$200 million to DHS for behavioral health services, \$200 million to DHS for services to developmentally disabled individuals, \$500 million to DHS for medical services to indigent individuals, and \$900 million to the general fund. Emergency clause.

ARS Titles Affected: 36 41

First sponsor: Sen. Biggs Others: Sen. Gould

NOTE: Measure was originally sponsored by the member(s) shown here. If it has been changed by amendment the sponsor(s) may or may not still support the measure.

S1553 EDUCATION; DISABLED STUDENTS; EMPOWERMENT ACCTS

Establishes Arizona empowerment accounts and requires the Dept of Education to contract with private financial management firms to manage the accounts. Parents may enroll a qualified student (defined as a disabled student who either attended a governmental primary or secondary school and transferred to a qualified school, or attends a qualified school on a school tuition organization scholarship) for an empowerment account if the parent agrees to release the school district from obligations to educate the student and use the money in the account only for specified education expenses. In exchange for the parent's agreement, the state will deposit 90% of the amount of state aid that would be computed for the student into the account.

ARS Titles Affected: 15

First sponsor: Sen. Murphy

Others: Rep. Crandell, Rep. Forese, Rep. Harper, Rep. Lesko, Rep. Mesnard, Rep. Montenegro, Rep. Pratt, Rep. Smith, Rep. Yee, Sen. Allen, Sen. Barto, Sen. Biggs, Sen. Bundgaard, Sen. Crandall, Sen. Driggs, Sen. Gould, Sen. Griffin, Sen. Klein, Sen. McComish, Sen. Melvin, Sen. Nelson, Sen. Pearce, Sen. Yarbrough

2011 Bills Tracking

HOUSE BILLS

H2090 AHCCCS; CHILDREN; COVERAGE

Eliminates the enrollment cap for AHCCCS (which allows AHCCCS to stop processing new applications if there is insufficient funding and prohibits the amount of state monies spent in each FY from exceeding the amount appropriated by the legislature). By October 1, 2011, AHCCCS must request a waiver from the federal Centers for Medicare and Medicaid Services to allow services to all children whose gross household income is at or below 200% of the federal poverty level. Appropriates \$13.6 million in FY 2011-2012 from the general fund to AHCCCS for these children. Eliminates the transaction privilege tax credit for expenses taxpayers incur in accounting and reporting TPT. Due to a potential increase in state revenue, this bill requires the affirmative vote of at least 2/3 of each house of the Legislature for passage (Prop 108).

ARS Titles Affected: 36 42

First sponsor: Rep. Heinz

NOTE: Measure was originally sponsored by the member(s) shown here. If it has been changed by amendment the sponsor(s) may or may not still support the measure.

H2097 DEVELOPMENTALLY DISABLED; RESIDENTIAL PROGRAMS; COSTS

Increases the minimum amount of a developmentally disabled client's income or benefits that must be retained for the client's personal use (and therefore cannot be used to contribute to the cost of residential programs) to 30%, from 12%.

ARS Titles Affected: 36

First sponsor: Rep. Heinz

NOTE: Measure was originally sponsored by the member(s) shown here. If it has been changed by amendment the sponsor(s) may or may not still support the measure.

H2103 HOMEMADE FOOD PRODUCTS; REGULATION; EXCEPTION

Rules relating to food or drink sold at the retail level must exempt food that is prepared in the kitchen of a private home for commercial purposes if it is not potentially hazardous and is packaged with a label clearly stating the address and contact information of the maker, listing the contents, and disclosing that the product was prepared without government inspection.

ARS Titles Affected: 36

First sponsor: Rep. Kavanagh

NOTE: Measure was originally sponsored by the member(s) shown here. If it has been changed by amendment the sponsor(s) may or may not still support the measure.

H2128 INSURANCE; MENTAL HEALTH COVERAGE; PARITY

Health insurance plans or policies that cover mental health treatment must not impose any treatment limitations or financial requirements unless comparable limitations or requirements are imposed on services or benefits associated with coverage of non-mental health treatment.

ARS Titles Affected: 20

First sponsor: Rep. Patterson

NOTE: Measure was originally sponsored by the member(s) shown here. If it has been changed by amendment the sponsor(s) may or may not still support the measure.

H2402 INCAPACITATED PERSONS; GUARDIANS

The statute authorizing a court to appoint a temporary guardian for an incapacitated person is rewritten to provide the court with an option to appoint both a guardian and a conservator but in either case the appointment cannot be for a period longer than 30 days. The court must appoint an attorney to represent the person in further proceedings and must order a hearing within 14 days to consider the continued need for a temporary guardian or conservator. Restrictions are placed on the sale of the person's assets if the appointed guardian is someone other than the public fiduciary. More.

ARS Titles Affected: 14 36

First sponsor: Rep. Vogt

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H2507 AHCCCS; NONEMERGENCY TRANSPORTATION; REIMBURSEMENT

AHCCCS is required to limit reimbursement for nonemergency transportation to the cost of bus transportation in regions where a scheduled bus system is available.

ARS Titles Affected: 36

First sponsor: Rep. Seel

NOTE: Measure was originally sponsored by the member(s) shown here. If it has been changed by amendment the sponsor(s) may or may not still support the measure.

H2510 PALLIATIVE CARE; PATIENT INFORMATION

If a patient is diagnosed with a terminal illness or condition, the patient's attending health care practitioner is required to offer to provide the patient with information and counseling regarding palliative care and end-of-life options.

ARS Titles Affected: 32

First sponsor: Rep. Heinz Others: Rep. Patterson

NOTE: Measure was originally sponsored by the member(s) shown here. If it has been changed by amendment the sponsor(s) may or may not still support the measure.

H2511 AHCCCS; TRANSPLANTS; STANDARDS

AHCCCS is required to conform its coverage of transplants for eligible members to the standards adopted by the Centers for Medicare and Medicaid Services.

ARS Titles Affected: 36

First sponsor: Rep. Heinz Others: Rep. Tovar

NOTE: Measure was originally sponsored by the member(s) shown here. If it has been changed by amendment the sponsor(s) may or may not still support the measure.

H2522 AHCCCS; COVERED SERVICES

Removes certain types of transplants from the type of transplants exempt from AHCCCS coverage, and adds hospice care to the list of covered services. Emergency clause.

ARS Titles Affected: 36

First sponsor: Rep. Heinz

NOTE: Measure was originally sponsored by the member(s) shown here. If it has been changed by amendment the sponsor(s) may or may not still support the measure.

H2706 EDUCATION; AZ EMPOWERMENT ACCOUNTS

Establishes Arizona empowerment accounts and requires the Dept of Education to contract with private financial management firms to manage the accounts. Parents may enroll a qualified student (defined as a disabled student who either attended a governmental primary or secondary school and transferred to a qualified school, or attends a qualified school on a school tuition organization scholarship) for an empowerment account if the parent agrees to release the school district from obligations to educate the student and use the money in the account only for specified education expenses. In exchange for the parent's agreement, the state will deposit 90% of the amount of state aid that would be computed for the student into the account.

ARS Titles Affected: 15

First sponsor: Rep. Lesko

Others: Rep. Ash, Rep. Brophy McGee, Rep. Burges, Rep. Court, Rep. Forese, Rep. Gowan, Rep. R. Gray, Rep. Harper, Rep. Mesnard, Rep. Montenegro, Rep. Olson, Rep. Proud, Rep. Tobin, Rep. Urie, Rep. Yee, Sen. L. Gray, Sen. Griffin, Sen. Klein, Sen. Melvin, Sen. Murphy, Sen. Smith, Sen. Yarbrough